

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 1373 School Bus Safety
SPONSOR(S): Highway & Waterway Safety Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Highway & Waterway Safety Subcommittee		Whittaker	Smith

SUMMARY ANALYSIS

In Florida, a person operating a vehicle who passes a school bus on the side children enter and exit while the bus is displaying a stop signal commits a moving violation punishable as provided in Chapter 318, and requires a mandatory hearing. If at the hearing, the alleged offender is found to have committed the offense, the court shall impose a minimum civil penalty of \$200 plus an additional \$65. In addition, the Department of Highway Safety and Motor Vehicles (DHSMV) must suspend the driver's license of any person who commits a violation of this section for not less than 180 days and not more than one year for a subsequent offense within a five year period.

The bill increases the violation to an offense of reckless driving, punishable as provided in s. 316.192, Florida Statutes, if a person operating a vehicle passes a school bus on the side that children enter and exit when the school bus displays a stop signal.

The bill does not appear to have an impact on state funds.

The bill provides an effective date of October 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Failure to Stop for a School Bus

A person commits a moving violation if he or she is driving a vehicle and fails to stop when approaching any school bus while it is displaying a stop signal.¹ A violation of this offense is punishable as provided in Ch. 318, Florida Statutes. There is a minimum \$100 civil penalty and an additional \$65 civil penalty for a driver who has been found guilty by the court for failing to stop for a school bus.² The DHSMV must suspend the driver's license of any person who commits a second or subsequent violation of this section within a five year period for not less than 90 days and not more than six months.³

A person operating a vehicle who passes a school bus on the side children enter and exit while the bus is displaying a stop signal commits a moving violation punishable as provided in Ch. 318 and requires a mandatory hearing.⁴ If at the hearing, the alleged offender is found to have committed the offense, the court shall impose a minimum civil penalty of \$200 plus an additional \$65. In addition, the DHSMV must suspend the driver's license of any person who commits a violation of this section for not less than 180 days and not more than one year for a subsequent offense within a five year period.⁵

Statistics

The National Safety Council estimates that some 25 million students nationwide begin and end their day with a trip on a school bus.⁶

From 2004 to 2013, there were 1,344 people killed in school-transportation-related crashes, an average of 134 fatalities per year.⁷

Reckless driving⁸

Reckless driving is a criminal offense. It is driving with a willful or wanton disregard for the safety of persons or property. A conviction of reckless driving can result in serious penalties under certain circumstances, they are:

First conviction: A misdemeanor carrying up to \$500 in fines or 90 days imprisonment, or both.⁹

Second or subsequent conviction: A misdemeanor carrying up to \$1,000 in fines or up to six months imprisonment, or both.¹⁰

Offense causing property damage: A misdemeanor of the first degree¹¹ carrying up to \$1,000 in fines¹² or up to one year imprisonment.¹³

¹ s. 316.172(1)(a), F.S.

² s. 318.18(5)(a)(c), F.S.

³ s. 318.18(5)(a), F.S.

⁴ s. 316.172(1)(b), F.S.

⁵ s. 318.18(5)(b), F.S.

⁶ National Safety Council, *School Buses are Students' Safest Mode of Transportation*, <http://www.nsc.org/learn/safety-knowledge/Pages/news-and-resources-school-bus-safety-rules.aspx> (last visited January 8, 2016)

⁷ National Highway Traffic Safety Administration, *School-Transportation-Related Crashes*, http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&uact=8&ved=0ahUKEwi6hNSt_prKAhWBPRoKHT3oA78QFggjMAE&url=http%3A%2F%2Fwww-nrd.nhtsa.dot.gov%2FPubs%2F812170.pdf&usq=AFQjCNEIta3WlCJ772td7HCg93ldm25k4A (last visited January 8, 2016)

⁸ s. 316.192, F.S.

⁹ s. 316.192(2)(a), F.S.

¹⁰ s. 316.192(2)(b), F.S.

¹¹ s. 316.192(3)(c), 1., F.S.

¹² s. 775.083, F.S.

Offense causing serious bodily injury: A felony of the third degree¹⁴ carrying up to \$5,000 in fines¹⁵ or up to five years imprisonment.¹⁶

Offense resulting in a fatal accident: Often charged as a felony vehicular homicide¹⁷ carrying up to \$10,000 in fines¹⁸ or up to 15 years imprisonment.¹⁹

Proposed Change

The bill increases the violation from a moving violation to an offense of reckless driving, punishable as provided in s. 316.192, Florida Statutes, if a person operating a vehicle passes a school bus on the side that children enter and exit when the school bus displays a stop signal.

B. SECTION DIRECTORY:

Section 1 Amends s. 316.172, F.S., providing that passing a school bus on the side where children enter and exit the school bus when the bus displays the stop signal commits reckless driving.

Section 2 Provides an effective date of October 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

¹³ s. 775.082, F.S.

¹⁴ s. 316.192(3)(c), 2., F.S.

¹⁵ s. 775.083, F.S.

¹⁶ s. 775.082, F.S.

¹⁷ s. 782.071, F.S.

¹⁸ s. 775.083, F.S.

¹⁹ s. 775.082, F.S.

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to expend funds or to take any action requiring the expenditure of funds. The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not require a reduction of the percentage of state tax shared with municipalities or counties.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES